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*The R E P L Y of the Petitioner Francis Annesley, to the  
C A S E of Mr. Dixon.*

**B**Y Certificate and Letters Pattents, the Duke of *York* was intituled to one Moiety of the Town and Lands of *Tippenan*, as the Forfeiture of one *Pierce Fitz-gerald*; the Duke and his Agents never pretended to less, and the Down and Civil Surveys of *Ireland*, which determine all Mens Properties in that Kingdom, and are Conclusive Evidence, describe one Moiety thereof to belong to the said *Fitz-gerald*, and the other Moiety to be Sir *Robert Dixon's*.

The Petitioner has been so unfortunate as to purchase under an English Act of Parliament the Duke's Moiety, in the Defence whereof, with the Money paid for the Purchase he has actually expended more than 1500 *l.* which hath almost Ruined the Petitioner, his Wife, and a numerous Family of small Children.

The Petitioner has patiently submitted to the Determination of the Right Honourable the House of Peers, and hath applied to Parliament for Relief; but Mr. *Dixon*, for whom Judgment was affirmed, has not only got Possession of all he sued for, but ten Acres more, and some Part of the Paternal Estate of the Petitioner; this did not satisfy him, but he has vowed to destroy your Petitioner and his Family: In order to which, he being armed with Pistols, and attended with two of his Servants, laid wait for your Petitioner, then unarm'd, in Years, and infirm, about a quarter of a Mile from his own House, in a narrow Lane, drew out his Pistol, assaulted the Petitioner, threw him, and his Horse upon him, into a Ditch, where they left him; and had not one of the Petitioner's Servants accidentally come that Way, and help'd him from under his Horse, he must inevitably have Perish'd; he was carry'd home bloody and much bruised, which so frightned his Wife, then near her time, that she fell dangerously ill, was with great hazard of her Life, deliver'd of an only Son, who soon after died thereof.

The next Step was to engage his Brother, Sir *Kildare Burrows*, then Sheriff of the County of *Kildare*, to execute a Writ of *Erquary* to Impanel a Jury to enquire of Damages, which Jury consisted of several not Free holders, but all of them Creatures of the Sheriff's and *Dixon's*, who gave for two Years 190 *l.* mean Rates, for half the Lands of *Tippenan* evicted, when never more was paid for the whole Town than 50 *l.* a Year; and this Gentleman knows he cannot get more now for the whole Town than that Rent; and upon an Execution, directed to his said Brother the Sheriff, he seized all his Stock in his absence, and sold it; for which the Petitioner paid 403 *l.* 5 *s.* 2 *d.* as by the Sheriff's Receipts, proved before the Committee of the House of Commons, and now ready to be produced, may appear.

This was not sufficient Revenge, but Mr. *Dixon* Prints an Answer to the Petitioner's Case, wherein he chargeth the Petitioner, 'That he being his Guardian, and as such in Possession of the Moiety of *Tippenan* in his Right, for four or five Years, did in the Year 1695, set up a Title for himself, attuned Tenant to the Countess of *Orkney*, kept him out of Possession by Privilege of Parliament, tho' he had (upon Disturbance given him by the Commissioners of the Revenue) produced his Pupil's Title to the Commissioners, that they did not belong to the late King *James*, nor to any forfeiting Person, and thereupon got the Commissioners Order for quieting his Pupil's Title. That the Petitioner purchased the Lands from the Trustees for 600 *l.* abating and allowing him a 100 *l.* thereof for Services in making out their Title to the Premises, as may appear by the Deed of Purchase; and that he defaced the Metes and Bounds betwixt his own Lands and *Tippenan*, with Intent to create Confusion.

To which heavy Charge the Petitioner gives this Answer, That in the Year 1682, Mr. *Quin*, having a Lease from the Duke of *York*, then promis'd the Petitioner the said Lease. In the Year 1688, *Luke Fitz-gerald*, the Heir of the forfeiting Proprietor, entered and enjoyed the Lands till the Year 1690, when the Commissioners of the Revenue for King *William* and Queen *Mary* entered into the Lands as the Estate of the Duke of *York*, and set the same to one *Benjamin Thomas*, who was then in possession thereof.

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By several Letters under the Hands of Mr. *Dixon* and his Unkle, and at the earnest and importunate Intercession of them, and of several others of his Relations, the Petitioner took him out of the Hands of a Popish Guardian, and took upon him the Guardianship, and for four or five Years managed all his Estate, without a Penny reward, to the best Advantage of the said *Dixon*, and then gave him a just Account thereof, whereon there remained due to the Petitioner near 30 *l.* which is yet unpaid; Grateful Acknowledgments! for which, he has now by Letter under his Hand ready to be produced; during all which time the Petitioner doth averr, that he never was in possession of any part of that Land as his Guardian; and that he never had any Patents, Deeds, Evidences, or Writings, relating to his Estate in his possession, to give him the least reason to believe it his Propriety, and had the Petitioner been in possession thereof as his Guardian, his Malice has since appeared to be such as to have brought the Petitioner to an Account for the Profits thereof long before this.

The said *Benjamin Thomas* being in possession till the Year 1693, or 1694, the Countess of *Orkney* obtained a Grant thereof, as being Part of the Duke of *Tork*'s Estate, and then *Robert Rochfort*, and *Robert Pooley*, Esquires, Commissioners for the Countess of *Orkney*, entered thereon in her Right, and admitted Mr. *Quin*, who was a Protestant, to the Benefit of his Lease under the Duke of *Tork*.

In the Year 1684, Mr. *Dixon* being of the Age of ten Years, as is set forth in his printed Case; and in the Year 1695 of full Age, applied to Mr. *Quin* for his Title, who refused it, telling him, he had long before promised it to Mr. *Annesley*, and he would be as good as his Word, this Mr. *Dixon* owned on his Oath before the Trustees for Sale of the Forfeitures, when they determin'd his Claim.

The Petitioner after this, did in 1695, come into Possession of Part of the Lands of *Tippenan*, under the Title of Mr. *Quin*, and paid the Rent thereof, being 12 *l.* 10 *s.* a Year to the Countess of *Orkney*'s Commissioners, whose Receipts for the said Rent were produced to the Committee, and some time after the said Mr. *Dixon* brought his Ejectment for them, but durst never try the Title; and the Petitioner averrs, he never did set up his Privilege of Parliament against him, but left the Management thereof to Mr. *Thomas Broderick*, who was then the Countess of *Orkney*'s Agent; and had the Countess of *Orkney* continued Grantee thereof, Mr. *Dixon* would never have had Judgment in Ejectment in that Kingdom, however unfortunate your Petitioner is now on that Occasion.

The Petitioner affirms, he never made Application to the Commissioners of the Revenue to quiet the said *Dixon*'s Title to that Moiety, but that there was a Surcharge of Quit-rent upon the other Moiety of *Tippenan*, the said *Dixon*'s Inheritance, which the Petitioner applied to have abated, and it was accordingly by their Order discharged.

The Petitioner had Mr. *Dixon*'s Consent, in the Presence of several Persons of Quality and good Reputation, to bid for that unhappy Moiety of *Tippenan*, assuring the Petitioner that he would not oppose him; but notwithstanding such Promise, Mr. *Hasket* his Agent, bid upon the Cant, 595 *l.* for the said Lands, and Mr. *Hackett* own'd to the Petitioner, that he bid for it by Mr. *Dixon*'s Order; then the Petitioner bid 600 *l.* for it, and had the same conveyed to him by the Trustees, **abating and allowing him but 100 *l.* thereof for being at very great Charge and Trouble in making out the Title of the Publick, which the Petitioner thought a great Hardship on him, to have only a Sixth part allow'd, when all others, had by the Act of Resumption a Fourth part of the Lands, or Value thereof for such Services.**

The Petitioner after his Purchase from the Trustees, was at great Expence in pulling down Sodd Ditches, and building substantial Fences in the same Places with Quicksets, tho' had he confounded the Mears and Bounds, he might have thought himself Intituled after his Purchase, to do what he pleas'd with his own, but the Fact is false, the Mears and Bounds never were removed, and Mr. *Dixon* now enjoys the Benefit of his Improvements, to the Value of above 60 *l.*

The Petitioner being present when Sir *Kildare Borrows* the Sheriff gave Possession of those Lands, told him, That he ought not to give Possession of the ten Acres,



Acres, nor of any part of his ancient Estate, but the Sheriff was so partial, as to have no regard thereto ; Mr. *Dixon* Swearing and Damning all that were present, for not running the Bounds into the Gardens and Court of the Petitioner, who avers, and has another Person here present, that will prove that no Oath was administered to any Person who traced the Meares and Bounds, as is falsely suggested in Mr. *Dixon's* printed Answer.

Upon the whole Matter the Petitioner submits the Merits of his Case to the Judgment of Parliament, whether he has been guilty of any Breach of Trust, whether he has not acted like a faithful Guardian, like an affectionate Kinsman, and good Neighbour to Mr. *Dixon*, and whether Mr. *Dixon* has made those grateful Returns to the Petitioner, as the Care of him and his Concerns deserv'd, and that since he has got the Land, his Damages and Costs, the ten Acres, and some of the Petitioner's Paternal Estate, he should be so malicious, as by so many printed Falshoods, to endeavour to obstruct the Clemency and Justice of the Parliament, to a Purchaser under the Sanction of their own Law (who is almost ruined thereby) especially when he himself can gain no Benefit by it.

It is therefore humbly hoped, that the Parliament will rather choose to believe for Truth, that which has been proved before a Committee, on behalf of the Petitioner, than to have the least Regard to this Gentleman's Malice.

*A Copy of Part of a Letter from Mr. Dixon to Mr. Annesley.*

Dear Cozen,

June 28th, 1697.

**I** Can assure you (be pleased to believe what you think fit of me) no Mankind has or would manifest, if a real Occasion required it, a more due Respect for you than I have, neither would serve you sooner, being obliged in Gratitude to do so in Return to the Trouble I have put you to, in the Management of my Affairs, this is what I thought myself obliged to acquaint you with, lest you should misunderstand me, and the Sense I have of you and your good Family, &c. — You shall find me very ready to serve you ; be pleased to give my humble Respects to your good Family, and believe it for a Certainty, that I am dear Cozen,

Your Affectionate Kinsman,  
Whilst

Robert Dixon.

WILLIAM ZIMMERMAN'S RECEIPT

T O

Mr. Dixon's Cafe.